

## **REMARKS**

There are 22 claims pending in the application comprising claims 3-6 and 10-27. Claims 14 through 27 are new. In the present Office Action, claims 3-6 and 10-13 are rejected under 35 U.S.C. §103(a) as being obvious over Kivela et al. U.S. Patent 6,272,359 (hereinafter "Kivela") in view of Anderson U.S. Patent 6,594,370 (hereinafter "Anderson").

### **Rejection under 35 U.S.C. § 112**

Claims 3 and 10 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the Examiner states that there is no antecedent basis for the limitation "the network" and "the user's personal space" recited in claims 3 and 10. In response, Applicants have amended claims 3 and 10, which provides the required antecedent basis. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection.

Claims 3 and 10 have been rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention as required under 35 U.S.C. § 112, second paragraph. Specifically, it is asserted by the Examiner that "the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The actual size of the user's personal space is not clearly defined the specification." Office Action 20070721 pg 3.

Applicant respectfully disagrees. Those of ordinary skill in the art will understand the meaning of the phrase in question, which now as amended reads "the modular personal network is about the size as a user's personal space." The phrase indicates, to those of ordinary skill in the art, an expected range for the network that would at least encompass the size of individual users' personal space taking into account variations in the personal dimensions of individuals, which is well known in the public. The phrase, however, does not require of the scope of the claim to indicate that in the claimed invention the range is relative to whoever is the current user, which appears to be the Examiner's objection.

In view of the foregoing, Applicants respectfully request the withdrawal of the rejections of claims 3 and 10 as not compliance with indefinite requirement under 35 U.S.C § 112, second paragraph.

**Rejection under 35 U.S.C. § 103**

All the features of claims 3 through 6 and 10 through 13 are not described or suggested by Kivela and Anderson, individually or in combination. For example, Kivela and Anderson do not describe or suggest the recited characteristics of the claimed jewelry individual network component of claim 2 or as recited in the method of claim 10, which states the component is configured to operate in a modular personal network, where, among other things, the MPN is a network in which a new network component can be added to the modular personal network at any time to increase the capabilities of the system, a single network component can be removed resulting in an operating modular personal network that can perform without the single network component and its corresponding one or more functions. Examiner relies on Kivela in view of Anderson to assert that the present claims are obvious. Kivela, the primary reference, is directed to a mobile communication device that is constructed for use in communicating with a wireless communications network. Kivela is intended as a distributed mobile communication transceiver device. The Examiner concedes that Kivela fails to describe "a new network component can be added to the modular personal network at any time to increase the capabilities of the system, a single network component can be removed resulting in an operating modular personal network that can perform without that network component and its corresponding one or more functions". *Paper No. 20070721, pg 5*. Anderson does not overcome Kivela's deficiencies, Kivela and Anderson, either alone or in combination or make obvious, does not anticipate claims 3 and 10 for at least following reasons.

Anderson is directed to a personal communication system which includes ear piece and RPU (remote processor unit). RPU allows two way communications with the ear piece and allows earpiece operating power to be beamed from the RPU. This results in size and cost reductions in both the earpiece and RPU allowing the manufacture of disposable hearing aids and when the RPU is equipped with secondary wireless link circuitry, cellular telephones and pagers. *Abstract*. The necklace is preferably in the form of a flexprint, the necklace is fastened in front with a snap to facilitate easy removal. Once removed from the user's neck, the electronic

components within the flexprint strip may be programmed and tested, and batteries recharged. *Col. 4, lines 43 through 47.* The necklace further supplies power to the ear piece through virtual battery wherein the 1.8 milliwatts of continuous power can be produced by the "virtual battery" system for powering the ear piece. *Col. 5, lines 53 through 60.*

Anderson fails disclose or suggest the ability to add a new network component to the modular personal network at any time to increase the capabilities of the system. In particular, Anderson discloses a RPU unit, which is the central piece for Anderson's system. The RPU provides power and bi-directional communications capabilities to the ear piece. *Col. 4, lines 24 through 35.* The RPU further supplies communications to other devices such as a wrist watch. *Col. 3, lines 64 through 68.* However, Anderson is silent on the timing of adding or removing any of these components. Specifically, there are times when RPU is taken off of the user for maintenance, programming, and charging batteries. *Col. 4, lines 43 through 48.* Since the devices such as the wrist watch communicate with the RPU, the communications function is no longer in operation once the RPU is taken off line. Therefore, the addition of external wireless devices may not be added to the modular personal network at any time. Moreover, the complexity of the network in Anderson is heavily dependent upon RPU and requires RPU to be programmed and maintained as additional devices is attached to the network. Significantly, the external devices will only work when external batteries are attached to the RPU. *Col. 3, lines 43 through 52.* The attachment of new batteries require removal of a flexprint and further programming and maintenance on the RPU, such as recharging and adding new batteries. Accordingly, secondary wireless link circuitry may not be added at any time without particular configuration of RPU unit.

More significantly, the ear piece themselves depends upon the RPU for communications and power. *Col. 4, lines 30 through 35; Col. 5, lines 53 through 60.* Anderson discusses the removal of a particular component, namely the RPU for maintenance and programming, it fails to disclose or suggest that ear pieces and secondary wireless link circuitry maybe added at any time. Since RPU provides wireless communication means for secondary wireless devices and the earpiece, the removal of RPU will stop the operation of the entire wireless network thereby detrimentally effect the operation of the network in Anderson. As such, Anderson fails to disclose, suggest or otherwise provide for "a new network component can be added to the modular personal network at any time to increase the capabilities of the

system, a single network component can be removed resulting in an operating modular personal network that can perform without the network component and its corresponding one or more functions." As recited in the claims 3 and 10.

Therefore, based on the foregoing, withdrawal of the rejection of claim 3 is respectfully requested. Independent claim 10 is also allowable at least on the basis of some of the reasons provided above for claim 3. Dependent claims 4-6 and 11-13, which depend from claims 3, and 10, respectively, are also allowable at least on the basis of being dependent from independent claims 3 and 10. Allowance of new claims 14-27 are also requested.

In view of the above remarks, the applicants respectfully request withdrawal of the 35 U.S.C. 103(a) rejections. The application is now believed to be in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree or have any questions, then a personal or telephonic interview is respectfully requested to discuss any remaining issues in an effort to expedite the allowance of this application.

Respectfully submitted,

Date

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